

JS 44 (Rev. 08/18)

**CIVIL COVER SHEET**

N.Y.P.L.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

*Edward Plumb Kenne L. Lehigh*

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

*State of New York Fisher*

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question  
(U.S. Government Not a Party)  
9/5/18

2 U.S. Government Defendant

4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF DEF

1  1 Incorporated or Principal Place of Business In This State

PTF DEF

4  4

Citizen of Another State

PTF DEF

2 Incorporated and Principal Place of Business In Another State

PTF DEF

5  5

Citizen or Subject of a Foreign Country

PTF DEF

3  3 Foreign Nation

PTF DEF

6  6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT

- 110 Insurance
- 120 Marine
- 130 Miller Act
- 140 Negotiable Instrument
- 150 Recovery of Overpayment & Enforcement of Judgment
- 151 Medicare Act
- 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- 153 Recovery of Overpayment of Veteran's Benefits
- 160 Stockholders' Suits
- 190 Other Contract
- 195 Contract Product Liability
- 196 Franchise

## TORTS

PERSONAL INJURY

- 310 Airplane
- 315 Airplane Product Liability
- 320 Assault, Libel & Slander
- 330 Federal Employers' Liability
- 340 Marine
- 345 Marine Product Liability
- 350 Motor Vehicle
- 355 Motor Vehicle Product Liability
- 360 Other Personal Injury
- 362 Personal Injury - Medical Malpractice

PERSONAL PROPERTY

- 370 Other Fraud
- 371 Truth in Lending
- 380 Other Personal Property Damage
- 385 Property Damage Product Liability

## PERSONAL INJURY

## 10-5-18 Click here for: Nature of Suit Code Descriptions.

## FOREFEITURE/PENALTY

625 Drug Related Seizure of Property 21 USC 881

## BANKRUPTCY

422 Appeal 28 USC 158

423 Withdrawal 28 USC 157

## OTHER STATUTES

375 False Claims Act

376 Qui Tam (31 USC 3729(a))

400 State Reapportionment

410 Antitrust

430 Banks and Banking

450 Commerce

460 Deportation

470 Racketeer Influenced and Corrupt Organizations

480 Consumer Credit

485 Telephone Consumer Protection Act

490 Cable/Sat TV

850 Securities/Commodities/ Exchange

890 Other Statutory Actions

891 Agricultural Acts

893 Environmental Matters

## PROPERTY RIGHTS

820 Copyrights

830 Patent

835 Patent - Abbreviated New Drug Application

840 Trademark

## SOCIAL SECURITY

710 Fair Labor Standards Act

720 Labor/Management Relations

740 Railway Labor Act

751 Family and Medical Leave Act

## LABOR

790 Other Labor Litigation

791 Employee Retirement Income Security Act

861 HIA (1395ff)

862 Black Lung (923)

863 DIWC/DIWV (405(g))

864 SSID Title XVI

865 RSI (405(g))

## FEDERAL TAX SUITS

870 Taxes (U.S. Plaintiff or Defendant)

871 IRS—Third Party

26 USC 7609

895 Freedom of Information Act

896 Arbitration

899 Administrative Procedure Act/Review or Appeal of Agency Decision

950 Constitutionality of State Statutes

## IMMIGRATION

462 Naturalization Application

465 Other Immigration Actions

## REAL PROPERTY

CIVIL RIGHTS

- 440 Other Civil Rights
- 441 Voting
- 442 Employment
- 443 Housing/ Accommodations
- 445 Amer. w/Disabilities - Employment
- 446 Amer. w/Disabilities - Other
- 448 Education

PRISONER PETITIONS

- Habeas Corpus:
- 463 Alien Detainee
- 510 Motions to Vacate Sentence
- 530 General
- 535 Death Penalty
- Other:
- 540 Mandamus & Other
- 550 Civil Rights
- 555 Prison Condition
- 560 Civil Detainee - Conditions of Confinement

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation - Transfer

8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

Brief description of cause:

*Restraint of Trade, etc.*

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE *9/5/2018*

SIGNATURE OF ATTORNEY OF RECORD

JUDGE

MAG. JUDGE

RECEIPT # AMOUNT APPLYING IFFP

FOR OFFICE USE ONLY